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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Letter dated 19 October 2015 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a memorandum on the promotion and protection of human rights in the Republic of the Union of Myanmar (see annex).

I should be most grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 72 (c).

(*Signed*) Kyaw **Tin**
Permanent Representative

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Annex to the letter dated 19 October 2015 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General

Memorandum on the promotion and protection of human rights in Myanmar

I. Introduction

1. Myanmar's democratic transition was brought about in a peaceful way at a time of turmoil in many other such transitions. Myanmar is moving forward on its path of democratic transition. Its far-reaching reforms have passed many significant benchmarks in a brief period, including by promoting democratic values, greater freedom of assembly and association, freedom of the media and national reconciliation and the peace process. Dramatic positive changes have been made to its political and economic landscape and elevated its international relations to a higher plane. Despite certain complex remaining challenges, it is undisputable that there has been huge incremental progress towards democratization and the promotion of human rights.

2. Myanmar has now reached a critical stage in its democratic transition, as the country is preparing, with firm commitment, to hold free, fair and transparent general elections on 8 November 2015 as scheduled. On the eve of the elections, the Government's peace efforts have achieved yet another significant step forward through the signing of the Nationwide Ceasefire Agreement with eight major ethnic armed groups on 15 October 2015, which was witnessed by international observers. This will lead the country to embark on a new path in the political dialogue to end the six-decade-long conflict.

3. Myanmar is now at the centre of the world's attention. The present memorandum will promote further understanding of its efforts to promote human rights and address those remaining challenges.

II. Human rights situation in Myanmar

4. The democratic transition over the past years has already brought about substantial human rights improvements for the people of Myanmar and holds the potential to bring about much more. As part of its democratic reforms, the Government has conducted an extensive review of its existing laws, which led to the enactment of new laws by the parliament guaranteeing human rights and political freedoms, the release of political prisoners and bold steps granting greater media freedom. The Government has also joined a number of international instruments related to human rights, including the International Covenant on Economic, Social and Cultural Rights.

III. Legal framework and new legislative widening of freedoms and rights

5. Myanmar's parliament has debated a variety of issues with regard to strengthening the country's legal and constitutional framework over the years. The State Constitution of Myanmar guarantees the fundamental rights of all citizens regardless of gender, race, faith, official position, status or wealth. As a pluralistic society with traditional values, Myanmar has a long history of peaceful coexistence among different communities, refraining from discriminatory practices based on race, religion, colour or gender.

6. Since Myanmar embarked on its democratic transformation in 2011, the political, civil, economic, social and cultural rights of the people of Myanmar have been further strengthened by the enactment and amendment of various laws. From 2011 to the present, 185 laws have been enacted or amended. Among them, the following new laws have greatly contributed to a better enjoyment of fundamental freedoms and human rights for the people of Myanmar:

(a) Labour Organization Law, 2011;

(b) Peaceful Gathering and Peace Procession Law, 2011;

(c) Labour Dispute Settlement Law, 2012;

(d) Social Security Law, 2012;

(e) Minimum Wage Law, 2013;

(f) Law on the Contempt of Courts;

(g) Law Amending the Anti-Corruption Law, 2013;

(h) Law on the Promotion and Protection of Farmers' Rights, 2013;

(i) Early Childhood Development Law, 2014;

(j) Media Law, 2014;

(k) Printing and Publishing Law, 2014;

(l) Myanmar National Human Rights Commission Law, 2014;

(m) Law on the Application of Writs, 2014;

(n) Law Repealing the Whipping Act 1909, 2014;

(o) Law on the Registration of Organizations, 2014;

(p) Broadcasting Law, 2015;

(q) Law on the Rights of Persons with Disabilities, 2015;

(r) Law on Protecting the Rights of National Races, 2015.

IV. Ratification of international human rights treaties

7. One of the priorities of the Government in terms of raising its international profile is reviewing its status of participation in international conventions, including the human rights instruments. This resulted in Myanmar's accession to the

Convention on the Rights of Persons with Disabilities in December 2011 and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in January 2012. Myanmar also signed the International Covenant on Economic, Social and Cultural Rights on 16 July 2015 and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 28 September 2015.

V. Myanmar National Human Rights Commission

8. One of the significant institutional developments in the area of promoting human rights has been the establishment of the Myanmar National Human Rights Commission in September 2011, six months after the President, Thein Sein, took office. The Commission is the fifth of its kind in the Association of Southeast Asian Nations (ASEAN) region. To enable the Commission to operate on a statutory basis and in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights, the Myanmar National Human Rights Commission Law was enacted in March 2014. Accordingly, the Commission is constituted of 11 members, with its main function being to receive and address complaints from the public. In 2014 alone, the Commission conducted six field investigation visits and presented its findings and recommendations to the President. Public statements and reports are also issued occasionally. The Commission has submitted an application for accreditation to the International Coordinating Committee of National Human Rights Institutions.

VI. Freedom of expression

9. Freedom of expression and the media is one of the most visible areas of political reform in Myanmar. Since August 2012, all publications have been exempted from pre-publishing censorship. The publication of private daily newspapers has mushroomed since April 2013. Currently, there are 14 private dailies in the country. A total of 19 foreign news agencies have opened offices in Myanmar.

10. The Media Law was enacted in March 2014 and allows investigative journalists to report on facts and information that citizens need to know and to reflect the opinions and voices of the people. The law guarantees the protection of journalists from arbitrary arrest.

11. In Myanmar, no restriction is imposed on the use of the Internet. People in Myanmar are now increasingly using social media. The freedom to openly discuss and debate politics, one of the most important indicators of a modern democratic society, is growing, as citizens are expressing their opinions freely through the news media and social networks.

12. The Interim Press Council plays a mediation role. Some cases have been transferred to the courts because of the lack of cooperation by some media organizations with the Council. There were some cases of individuals being sentenced in 2014. It was not because of their reporting, but because of their violation of laws such as trespassing into restricted areas. The majority of the cases related to journalists and media personnel are the result of personal conflicts.

13. The challenges facing today's media in Myanmar include striking a balance between rights and responsibilities, together with ethical reporting and professionalism. The Government, in cooperation with international organizations, is conducting programmes, training and dialogue to strengthen awareness of media ethics.

VII. Freedom of peaceful assembly

14. Early waves of reform in Myanmar led to the adoption of the Peaceful Gathering and Procession Law, which entered into force in July 2012. Since then, people have been able to organize peaceful demonstrations and exercise their right to freedom of peaceful assembly. The police force facilitates protests and demonstrations to ensure law and order and to maintain public peace and security. The European Union and the Office of the United Nations High Commissioner for Human Rights have conducted training courses and workshops to enhance the capacity and awareness of the police force with regard to relevant laws and crowd control.

15. Challenges remain in terms of promoting public awareness of responsibilities and civic education. However, Myanmar is optimistic that the balance between rights and responsibility will be enhanced, since the maturity of society in exercising its rights is growing day by day.

VIII. Freedom of peaceful association

16. Myanmar is a community with strong civil society organizations. A deeply rooted mindset of helping, sharing and caring for one another underpins today's resilient society. The World Giving Index 2014, published by the Charities Aid Foundation, ranked Myanmar in first place for its strong culture of charity. Myanmar's civil society traditionally plays an important role in helping those in need in society.

17. Against this backdrop, Myanmar acknowledges and encourages the role of civil society and non-governmental organizations. The Law on the Registration of Organizations, which requires only voluntary registration, was enacted in 2014. More than 750 non-governmental organizations and civil society organizations are functioning across the country, along with 120 international non-governmental organizations. Another major development contributing to the democratization process is the granting of increased space for civil society in Myanmar.

IX. Freedom of religion

18. Myanmar is a multi-ethnic and multi-faith country, with a long history of different faiths living in harmony. Section 34 of the State Constitution clearly stipulates that "every citizen is equally entitled to freedom of conscience and the right to freely profess and practice religion subject to public order, morality or health and to the other provisions of this Constitution". Section 361 stipulates that "the Union recognizes the special position of Buddhism as the faith professed by the great majority of the citizens of the Union". Section 362 stipulates that "the Union

also recognizes Christianity, Islam, Hinduism and Animism as the religions existing in the Union at the day of the coming into operation of this Constitution".

19. Freedom of religion in Myanmar is guaranteed both in law and in practice. Although Buddhism is the faith professed by the great majority, it is not prescribed as the State religion. The two previous Constitutions also safeguard religious freedom. This constitutional right is already in practice, with Buddhist pagodas, Christian churches, Muslim mosques and Hindu temples seen side by side throughout the country, illustrating the religious harmony and tolerance that prevails in society. Everyone who has visited Myanmar has been amazed by the difference between what they had heard previously and what they saw, and praised this harmony.

20. The prevalence of religious buildings of different faiths across the country is a testimony to its religious harmony. For every 740 Buddhists, 450 Christians, 680 Muslims and 460 Hindus, there is one monastery, one church, one mosque or one temple, respectively.

21. To promote a culture of peaceful coexistence, the Interfaith Friendship Group was set up in Myanmar. It is nationwide in scale and comprises representatives of all faiths. The Group is composed of 122 organizations at the central, state or region, district and township levels. These interfaith organizations hold monthly meetings and convey messages of peace and harmony to the public. They have also paid visits to religious sites and provided assistance to the needy as necessary. Various civil society organizations, community leaders and volunteers are also playing their part in building bridges between different communities.

X. Promotion and protection of vulnerable groups

A. Older persons

22. In Myanmar, a family that includes older persons is regarded as blessed. The International Day of Older Persons is observed in October every year at the national, state and division levels. A plan of action for older persons was adopted in June 2014 to better protect older persons and promote their well-being. The negotiating process to draft a law relating to enhancing the welfare of older persons is ongoing. To mark the sixty-seventh Independence Day of Myanmar, in January 2015, 569 persons of 100 years of age and above were each provided with 200,000 kyats. Since then, the programme has been replicated for a total of 1,179 older persons of 100 years of age or more. The programme will further extend to provide cash assistance to older persons of between 90 and 100 years of age. As at 30 June 2015, there were 23,879 older persons between 90 and 100 years of age in Myanmar.

B. Persons with disabilities

23. Promoting and protecting the rights of persons with disabilities is also one of the priorities of Myanmar. Myanmar acceded to the Convention on the Rights of Persons with Disabilities in December 2011. It was the very first international human rights treaty joined by Myanmar after the current government took office. Myanmar enacted the Right of Persons with Disabilities Law on 5 June 2015, after rounds of consultations with persons with disabilities. A national strategic plan on improving the quality of life for persons with disabilities is currently being developed in accordance with the principles of the third decade of persons with

disabilities in Asia and the Pacific (2012-2022), namely the Incheon Strategy to "Make the Right Real" for Persons with Disabilities in Asia and the Pacific. To enjoy social protection benefits, a flagship programme for persons with disabilities was incorporated into the Myanmar National Social Protection Strategic Plan (2014). To support sustained development for children with disabilities, an action plan is being implemented under the Myanmar Early Childhood Care and Development Policy (2014). To ensure the equal participation of this group with others in society, Myanmar is also drafting an action plan on disability registration and certification.

C. Women's rights

24. Since the inception of the civilization of Myanmar 2,000 years ago, there have been historical records supporting the fact that Myanmar woman and men enjoy equal rights. Myanmar traditions and customs, *dhammathat*, or customary law, religious beliefs and practices have all along safeguarded the equality of Myanmar women with men in such crucial areas as marriage and inheritance. Today, Myanmar has a growing number of women holding important positions as ministers at the state and regional levels, deputy ministers, ambassadors, senior officials and parliamentarians.

25. Since Myanmar acceded to the Convention on the Elimination of All Forms of Discrimination against Women in July 1997, it has taken a series of steps in line with the Convention. Institutions have been put into place to oversee the issue of women. A 10-year national strategic plan for the advancement of women (2013-2023) is under implementation.

26. The country submitted its combined fourth and fifth periodic report (CEDAW/C/MMR/4-5) to the Committee on the Elimination of Discrimination against Women in 2015. The drafting of a law to combat violence against women in cooperation with the United Nations has reached its final stage. Myanmar also signed the Declaration of Commitment to End Sexual Violence in Conflict on 5 June 2014.

D. Child rights

27. Myanmar acceded to the Convention on the Rights of the Child in 1991. The provisions of the Convention are incorporated into the Child Law, enacted in 1993. Myanmar acceded to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in January 2012. After thorough consultations, Myanmar signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 28 September 2015, on the sidelines of the general debate of the General Assembly at its seventieth session.

28. Currently, a review on the Child Law is being conducted, with wide participation by civil society organizations and the United Nations Children's Fund. Discussions are under way on including a chapter in the Law to protect children in situations of armed conflict.

29. Myanmar signed a joint action plan with the United Nations on 12 June 2012 to further accelerate its efforts in preventing underage recruitment. The United Nations Country Task Force on Monitoring and Reporting conducted visits to recruitment centres, training schools and regional commands, including 37 monitoring visits to different Tatmadaw (military forces) battalions. The Tatmadaw has

discharged 645 underage recruits. A total of 56 officers and 283 persons of other ranks were held accountable for underage recruitment. The Tatmadaw is a professional army, and recruitment is voluntary.

30. At the invitation of the Government, the Special Representative of the Secretary-General for Children and Armed Conflict, Leila Zerrougui, visited Myanmar from 12 to 16 July 2015. The visit was instrumental in closing the gaps leading to zero-underage-recruitment endeavours jointly implemented by the Government and the United Nations Country Task Force. In view of these developments, it is hoped that Tatmadaw Kyi will be delisted in the near future.

31. Every child has to be physically, mentally, socially and psychologically healthy. To this end, early childhood care and development services have been provided in Myanmar since 1953. Myanmar enacted the Law Relating to Early Childhood Care and Development in February 2014. The Central Early Childhood Care and Development Resource Centre was set up in Yangon in 2011. Myanmar adopted a multisectoral policy in 2014 for the all-around development of children under 8 years of age. In Myanmar, infant mortality and the under-5 mortality rate have been reduced by half.

32. A national school enrolment campaign was introduced in 1999. As a result, the enrolment of 5-year-old children reached 98 per cent in 2014. The last week of May is designated as enrolment week, when education personnel, non-governmental organizations, civil society organizations and well-wishers from education, business and the local community collaborate to ensure that all school-age children are in school.

E. Workers' rights

33. Myanmar's wide-ranging reforms have benefited hundreds of thousands of Myanmar workers at home and abroad. Soon after the current Government took office, the Labour Organization Law was drafted and enacted in 2011, resulting in the establishment of 1,800 basic workers' and employers' organizations, 7 workers' federations and 1 employer's federation.

34. The Settlement of Labour Dispute Law was enacted in 2012. Accordingly, 325 township conciliation bodies, 15 region/state arbitration bodies and an Arbitration Council were formed. The bodies are composed of representatives of the Government, workers and employers. To date, 271 labour disputes have been settled by region and state arbitration bodies, and 143 cases by the Arbitration Council.

35. To accelerate the efforts to eliminate forced labour by 2015, a joint strategy has been implemented successfully in cooperation with the International Labour Organization (ILO).

36. The Minimum Wage Law was enacted in 2013. The tripartite consultations among workers, employers and the Government reached an agreement in setting the minimum wage at 3,600 kyats in 2015. To better promote and protect the rights of workers, the Social Security Law 2012, the Employment and Skill Development Law 2012 and the Law Amending on Holidays and Leave Act 1951 were also enacted. Currently, bills on foreign workers and the occupational safety and health are being drafted.

37. Furthermore, Myanmar ratified the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), which entered into force in December 2014. The Myanmar Programme on the Elimination of Child Labour is being implemented with the technical assistance of ILO.

XI. Economic development

38. Economic sector reform has proved successful. Myanmar maintains average growth rate of 8 per cent over a four-year period. The main driver of growth is the service sector, owing to Myanmar's expansion in telecommunications and transportation. In fiscal year 2014/15, agricultural output was increased, while manufacturing and industry outputs were also strong. Myanmar is aiming at graduating from the status of least developed country at an early date. It will be feasible, if it can maintain this average annual growth rate over the coming years. The framework for economic and social reforms launched in 2013 for sustainable economic growth and poverty reduction is a solid platform for its ambition. The International Monetary Fund evaluation is that the economic prospects of Myanmar remain strong.

XII. Universal periodic review

39. As a matter of principle, Myanmar has always opposed country-specific resolutions in the Human Rights Council and the General Assembly. Myanmar believes that such resolutions cannot create an atmosphere conducive to genuine dialogue between the country concerned and the international community on human rights questions.

40. Myanmar believes that the universal periodic review is the most dependable mechanism to address all situations of human rights on an equal footing. Myanmar will be submitting its universal periodic review report for the second cycle early in November 2015. Non-governmental organizations, international non-governmental organizations and United Nations entities in Myanmar were consulted at different stages in the report drafting process. A high-level delegation led by the Union's Attorney General will be in Geneva to interact with the Human Rights Council and its affiliates on the report.

XIII. Bilateral human rights dialogues

41. Since 2012, Myanmar has been conducting bilateral human rights dialogues with Japan, the United States and the European Union. Such engagements are the best venues in which to exchange views, discuss challenges and learn national best practices between the dialogue partners.

XIV. Cooperation with the United Nations

42. The cooperation of Myanmar with the United Nations is exemplary. In 2015, the Special Adviser to the Secretary-General on Myanmar, Vijay Nambiar, made shuttle visits to Myanmar. The Special Rapporteur on the situation of human rights

in Myanmar, Yanghee Lee, visited the country twice. Myanmar is the only country under agenda item 4 of the Human Rights Council that invites the Special Rapporteur to the country. The Special Representative of the Secretary-General on Children and Armed Conflict also visited Myanmar in July 2015. These visits reflect Myanmar's genuine political will for cooperation with the United Nations.

43. Myanmar allows the presence of officers from the Office of the United Nations High Commissioner for Human Rights in the country on a full-time basis. They interact with government authorities, civil society organizations and the general public in various fields relating to the promotion and protection of human rights. Law-making bodies and enforcement agencies in Myanmar receive inputs, views, technical advice and training from these officers and other visiting experts. As part of the global programme of the Office, the police force has been conducting workshops and trainings to raise awareness of human rights.

XV. Other developments

A. Wider political space

44. A firm foundation has been laid for an all-inclusive political process. Amnesty has been granted on several occasions with the aim of enabling former prisoners to take part in Myanmar's reform process and nation building. Formerly divided political forces are now working hand in hand for a peaceful and prosperous Myanmar. Some are involved in the legislative process as parliamentarians, while others are playing their part as researchers, civil society actors, media personnel or human rights and labour rights activists.

B. Peace process

45. Myanmar believes that without national reconciliation and peace it cannot succeed in the democratization process. The Government has successfully concluded 39 agreements with 15 armed groups in a four-year period. Achieving a nationwide ceasefire agreement is an essential component of the national reconciliation process. Therefore, the Government has worked relentlessly to achieve a single ceasefire agreement with all armed groups in the country.

46. Despite certain complex challenges, the Government's sincere and serious efforts resulted in the signing of the Nationwide Ceasefire Agreement between the Government and eight major ethnic armed groups on 15 October 2015. The signing of the Agreement was yet another historic milestone for Myanmar. The signing ceremony was witnessed by 21 eminent persons of Myanmar together with international observers, including special representatives from India, Japan, China, Thailand and the European Union and Mr. Vijay Nambiar, Special Adviser to the Secretary-General on Myanmar.

47. After securing the historic achievement of the Nationwide Ceasefire Agreement, discussions will continue on a framework for political dialogue. The parties who signed the Agreement started working on the framework for the political dialogue. To implement the Agreement, a joint monitoring committee and a union peace dialogue joint committee were subsequently established and are functioning. Political dialogues will follow the completion of the framework. It will open the way to bringing sustainable peace and harmony to the country.

C. Developments in Rakhine State

48. Myanmar fully shares the concern of the international community about the communal violence that broke out over three years ago, sparked by a brutal crime. That tragic incident took place at an early stage of the rapid democratic transition. The clashes had caused loss of lives and displacement to both communities. In fact, it was unfortunate that the incident happened between two communities that had a long history of peaceful coexistence. On any account, it was not an issue targeted against a particular religion or race, as misleadingly portrayed by the media. The distrust between the two communities also had some roots in illegal cross-border migration. Regarding the issue of citizenship, those who meet the criteria set out in the 1982 Myanmar Citizenship Law have been granted citizenship upon application. There is, however, no reason or justification for a certain group of people to claim to be the one ethnic national race, simply because that has never existed in the history of the country. This is the crux of the issue concerning the communal tension in Rakhine State.

Prevalence of peace and stability since 2012

49. The situation in Rakhine is a multifaceted, sensitive and complicated issue. One needs to understand the complicated history of the two communities to make a fair and objective critique of the situation. Since it is complex, the communal tension cannot be resolved overnight. However, it is important to note that there have been no further recurrences of intercommunal violence since 2012. Peace and stability have been restored in Rakhine State.

50. The Government is making every effort to provide security, food and health-care services on a daily basis to the people living in temporary shelters through the establishment of a relief coordinating centre. Humanitarian access is given to more than 20 international organizations. Any assistance provided for both communities is welcomed. Yet the living conditions of displaced persons in the relief camps are widely reported as poor and unsatisfactory. There are also many other poor Rakhine families living in equally shabby situations, as it is the second poorest State in Myanmar. Generally speaking, the situation in Rakhine State has to do with poverty and underdevelopment. It is not about putting the lives of the displaced persons in a difficult situation. Inclusive development and better education will be the key to resolving the problem in the long term.

51. To address the root cause of underdevelopment in Rakhine State, the Government has initiated development projects and industrial zones, including the Ponnagyun industrial zone, Yathaetaung agricultural and livestock zone, Comprehensive Kaladan River Transportation Project, ancient Mrauk-U cultural zone and hotel zone projects. The projects will create job opportunities for people from both communities. Moreover, the Government has recently managed to provide electricity across Rakhine State, enabling the development of small and medium-sized industries. Only stability and development can bring the two communities together in harmony.

Gradual and incremental relocation and reintegration

52. Reintegration is also one of the keys to addressing the situation in Rakhine State. The State's government has therefore started resettlement efforts for those in relief camps, along with development projects. The resettlement programme is

going smoothly through close consultations and cooperation with local communities. The resettlement is funded by the Special Fund of the President. A total of 2,000 of the 5,000 households to be resettled in the first phase have been resettled to their place of origin or new places in 2015. This will gradually lead to the closure of all camps for displaced persons.

53. In this process, the Government has also sought international assistance. The Office of the United Nations High Commissioner for Refugees and the Turkish Cooperation and Coordination Agency also rendered support to and cooperated with the Rakhine State government in the construction of new houses. New schools funded by the Governments of India and Indonesia are already in operation for both communities in Rakhine State. The Governments of China and Thailand and the European Union are also among those providing various forms of assistance in these efforts.

Restoring harmony

54. In Buthidaung and Maungdaw townships, the two communities are now engaging in intercommunal trade and business. Their children are attending school together. There is no restriction of movement in those areas in which the communities have learned to live in harmony. The continued presence of the security forces in some areas is only at the request of the communities themselves. Freedom of movement is not restricted there anymore, but some choose not to move around only owing to fears for their security. The Government is making every effort to ensure normal livelihoods and to enhance a sense of security for the present and the future.

Citizenship verification

55. In 2014, a nationality verification pilot project was launched in Myebon township and resulted in citizenship being granted to more than 900 persons. The new arrangement for replacing temporary identity cards (white cards) with national verification cards has further facilitated and moved forward the nationality verification process. Whoever wishes to become a citizen of Myanmar may apply in accordance with the procedure. The delays in the verification process are due to a lack of cooperation on the part of temporary identity card holders stemming from their fear of scrutiny or external pressure. There is no difficulty in granting citizenship to those who meet the criteria of the 1982 Citizenship Law.

Harmony among societies

56. Despite the events in Rakhine State three years ago, Myanmar is a multi-ethnic and multi-faith country with a long history of different faiths living in harmony in the same neighbourhoods. Myanmar shares the concerns regarding the growing intolerance in many parts of the world. To counter hate speech, both the Government and civil society are encouraging interfaith dialogues across the country.

57. The Interfaith Friendship Group in Myanmar was set up on a nationwide scale and comprises representatives of all faiths. The Group comprises 122 organizations at the central, state and region, district and township levels. These interfaith organizations hold monthly meetings and convey messages of peace and harmony to the public. They have also paid visits to religious sites and provide assistance to the needy as necessary. Various civil society organizations, community leaders and

volunteers are also playing their part in building bridges between different communities.

XVI. Boat people

58. Myanmar is deeply concerned about the suffering and life-threatening risks faced by boat people as a consequence of smuggling and trafficking in persons in the region. In this time of crisis for boat people, saving lives is the first priority. Myanmar therefore stands ready to rescue and provide humanitarian assistance to anyone who has suffered at sea. Myanmar has publicly presented its humanitarian views since the beginning of the phenomenon, and concrete actions were taken.

59. In this spirit, Myanmar joined the rescue efforts when the boat people crisis began, in May 2015. The Navy rescued the first boat, carrying 208 passengers, on 21 May 2015. Among them, 200 persons were checked and found to be nationals of a neighbouring country. With the friendly cooperation of the country of origin, Myanmar has repatriated 191 persons, which accounts for 95 per cent of the boat people saved from the first boat.

60. In the wake of the crisis, Myanmar sent a delegation to a special meeting on irregular migration in the Indian Ocean, organized by Thailand on 29 May 2015. The Myanmar delegation highlighted, among others, the need to enhance regional cooperation on combating smuggling and trafficking in persons and to facilitate safe labour migration. The delegation also highlighted misinformation about the figures and numbers reported by some agencies, which were far from the truth and unverifiable. Myanmar will continue to work closely with its immediate neighbours and fellow ASEAN member States in the context of the ASEAN Ministerial Meeting on Transnational Crime.

61. On 29 May 2015, Myanmar rescued another boat, which was carrying 734 people. The verification process revealed again that 546 persons were citizens from the neighbouring country. That number accounts for 74 per cent of those rescued. Among them, 468 persons have been repatriated to the country of origin.

62. Again early in July, Myanmar rescued 107 persons from an island called Saung Gauk, situated in the southern part of the country. It was determined that all of them were economic migrants from a neighbouring country. The most recent repatriation effort returned 72 persons from that group to their country of origin on 12 October 2015.

63. Myanmar has been providing shelter, food and the necessary health-care assistance to the remaining rescued persons while seeking continued friendly cooperation from the Government of the country concerned. Thus far, Myanmar has repatriated over 700 people to the country of origin after the completion by that country of the verification process.

64. The number of boat people rescued in Myanmar clearly testifies to the fact that the majority of them are not originating from Myanmar and seeking international protection. Most of the boat people, including a few from Myanmar, are economic migrants who are seeking greener pastures or persons who have fallen prey to traffickers. The experiences recounted by the victims who have been rescued have revealed heinous crimes committed by trafficking rings. The root cause of the boat

people crisis in the Andaman Sea is none other than the problem of trafficking and smuggling of persons in the region.

65. In anticipation of sailing season in the region, Myanmar, for its part, has taken preventive measures, including the exchange of intelligence information with its immediate neighbours, legal action against local and transnational traffickers and extensive awareness campaigns in the areas most at risk.

XVII. Four laws

66. The race and religion protection bills, also frequently referred to as the Four Bills, have been passed by parliament, after being subjected to intense scrutiny in parliament. During the drafting process, the text was widely published, and the comments and views of all parts of society were duly considered and incorporated. The legislative bodies carefully crafted the language of the laws, taking very careful consideration of the obligations of Myanmar under international instruments.

67. Regarding the law related to religious conversion, there are no restrictions imposed on those who wish to convert from their religion to another, and the registration of such a conversion is voluntary. There is no penalty for those who do not wish to register. The purpose of the bill is only to prevent forced conversions, and it penalizes those who force someone to convert his/her against his or her will. Article 18 of the International Covenant on Civil and Political Rights states that no one shall be subject to coercion that would impair his freedom to have or to adopt a religion or belief of his choice. There is no provision in the law that impairs one's choice of belief or religion.

68. Regarding the law related to marriage for Buddhist women, in Myanmar, different religious followers adhere to their respective customary marriage laws. This law is a similar case for Buddhists. The purpose of the law on marriage for Buddhist women is again to prevent and penalize forced conversions for the Buddhist women of Myanmar.

69. The law related to monogamy is self-explanatory. The law encourages married couples to practise monogamy. This practice is culturally, morally and socially accepted in the society of Myanmar. It also intends to protect the rights of women.

70. Regarding the law related to population, even if it is enacted, it will be enforced only when an area is identified as a special area in which the law is required to be applied. Again, the application of the law is voluntary. There are no penalties applied under this law. The purpose of the law is to provide the necessary medical assistance and education in connection with reproductive health care in areas in which attention is required.

71. Every country has its unique history and social and cultural roots. These laws came into existence and were passed by the parliament in accordance with the will of the people, who wish to preserve Myanmar's traditional values and cultures and have no intention of engaging in religious discrimination.

XVIII. Recent floods

72. The damage inflicted by the floods and landslides as a result of the torrential monsoon rains in 2015 is more intense and widespread than that inflicted by Cyclone Nargis seven years ago. In 12 states and regions of the country, more than 100 people have lost their lives. A total of over 476,000 houses have been damaged. In excess of 1.6 million people have been displaced, 4,000 schools damaged, and nearly 1.5 million acres of farmland destroyed.

73. The Government and the people of Myanmar, its civil society, friendly countries near and far and the international community are working together to help the affected population. To date, the Government has spent 16 billion kyats for emergency response and early recovery. Clearly, that is not enough to confront such devastation. More resources will be needed for the medium- and long-term recovery phase. A recovery framework, including a recovery plan, will be developed with a view to considering a pledging conference.

XIX. Elections

74. The forthcoming general elections, scheduled to be held on 8 November 2015, constitute an important milestone in the country's road to democracy. Elections will be held for the Amyotha Hluttaw (Upper House), the Pyithu Hluttaw (Lower House) and the state- and region-level houses for the upcoming five-year term. The Government and the people of Myanmar are preparing themselves for a successful holding of these elections.

75. A total of 6,074 candidates, including candidates from 91 political parties and independents, will be participating in the forthcoming elections. This broad participation reflects the trust and confidence in and the inclusiveness of the country's political process. The following are highlights of preparations on capacity-building and for the actual conduct of free, fair and transparent elections in Myanmar.

A. Preparation

76. The President, Thein Sein, has expressed on several occasions his unequivocal commitment to the elections being held in a transparent, free and fair manner. The Commander in Chief has also publicly expressed his readiness to accept the outcome of free and fair elections that reflect the desire of the people and as declared by the Union Election Commission. The Chair of the Commission and other officials are also committed to this approach. Such high-level political commitments are creating an enabling environment for the elections.

77. To build capacity, the Union Election Commission has been cooperating with international partners, including the International Foundation for Electoral Systems, the European Union, the Department of Political Affairs through the United Nations Development Programme country programme, the International Institute for Democracy and Electoral Assistance, the International Republican Institute, the National Democratic Institute for International Affairs, Democracy Reporting International, the United States Agency for International Development, the Australian Agency for International Development, the Asian Network for Free Elections, the United Kingdom Department for International Development and the

Carter Center. The Commission has received assistance from the International Foundation for Electoral Systems in computerizing and updating the voter list.

78. To enhance transparency in the elections, Myanmar has invited international observers. To date, the Union Election Commission has concluded memorandums of understanding with the Carter Center, the European Union and the Asian Network for Free Elections to allow them to observe the elections. A code of conduct for election observers has already been released. About 100 observers from the European Union are beginning to arrive in Myanmar. Myanmar is facilitating a process whereby resident diplomats can observe the elections. Thus far, the embassies of the United States, Ireland, Japan, Bangladesh and the United Kingdom in Yangon have requested to observe the elections in different parts of Myanmar. Those requests are being facilitated.

79. The Carter Center, the European Union and the Asian Network for Free Elections have already sent 50, 120 and 40 persons respectively to observe the election preparations and campaigning, as well as actual conduct and results.

B. Conducive environment for free, fair and transparent elections

80. In fostering a conducive environment, a two-month campaigning process started earlier in September and is currently in full swing, without any major issues or untoward incidents reported. Voters list are already out, and the final touches are being put on a complete list. Both the Government and the Union Election Commission are fully committed to ensuring that the elections are transparent, free and fair. All citizens, including those abroad, will be casting their votes.

81. With regard to the campaigning activities, all participating political parties can use government broadcasting channels on an equal footing. Publications, gatherings, public statements and billboards, among others, are allowed. Political parties can campaign without prior permission at their headquarters and offices. Prior permission is needed only for the use of public places.

82. The candidates can print and freely distribute campaign materials disseminating their political views, policies and activities. At the same time, such activities and publications should be in conformity with existing national laws and respect the rights and freedoms of others. It is advised that the publications not violate existing laws and parties not engage in libel, slander or violence nor use religion for political purposes. With regard to campaign broadcasts, it is required that elements in broadcasts not undermine public security or the rule of law.

83. A legal framework has been put in place to prevent abuse and coercion in the elections. Article 364 of the State Constitution prohibits the abuse of religion for political purposes. Article 58 (c) of the Election Law penalizes those who urge others to vote or not to vote on religious or racial grounds. A code of conduct for political parties was adopted and agreed upon by all political parties. Section 4.3.3 of the code stipulates that an election campaign should not be conducted in a manner that encourages hatred between any religious group, tribe, group, gender, language or community.

C. Qualification of candidates

84. The eligibility criteria for candidates are clearly set out in the Election Law. One of those criteria requires that the candidate and both parents be citizens of

Myanmar. The criteria apply to all candidates, regardless of their political affiliation, race, gender or religion. As in many other countries, the right to take part in national political and decision-making processes is entrusted only to citizens.

85. There is no discrimination against any candidate based on his or her faith. The allegations regarding the disenfranchisement of a candidate on the basis of their religion are unfounded. For example, many Muslim applicants who met the citizenship and other criteria are qualified to run for the elections to the parliament. There is also a process for potential candidates to appeal against rulings on their eligibility status, and those who meet the criteria have already been reinstated by the Union Election Commission.

86. In the past, the Government issued temporary identity cards, known as white cards, to those who had been residing in the country but had yet to be verified as citizens. Since 31 March 2015, those white cards have been replaced by new national verification cards, with a view to facilitating the citizenship application process. The new verification card holders are eligible to apply for citizenship. Since national verification card holders are not yet verified as citizens, they are naturally not eligible to cast their votes in the election, in accordance with the electoral rules.

XX. Conclusion

87. Genuine dialogue and constructive cooperation in human rights is possible only when the principles of universality, objectivity and non-selectivity are fully observed and applied. At the same time, the practice of applying double standards to and politicizing human rights issues should be avoided.

88. The endeavours of Myanmar to achieve a democratic society are genuine, peaceful and moving in the right direction. It is undisputable that significant incremental progress has been made over the past few years. As a multi-ethnic country with many ethnic groups still bearing arms, Myanmar faces many complex challenges. Like other young democracies in transition, Myanmar has yet to overcome those typical challenges. Yet the commitment of the leaders of Myanmar to moving forward remains strong. Myanmar needs the international community's continued encouragement and understanding of the complex challenges that it faces. An objective and constructive engagement with Myanmar by the international community is the key to further accelerating the country's democratic reform process.

89. Despite tremendous progress in Myanmar and its exemplary cooperation with the United Nations through the universal periodic review and country-specific mandates, Myanmar continues to be unfairly placed under scrutiny by numerous mechanisms, including the General Assembly, the Human Rights Council, the Special Rapporteur on the situation of human rights in Myanmar, the good offices of the Secretary-General and the Partnership Group on Myanmar. The United Nations unfairly focuses a disproportionate amount of its attention today on Myanmar. Even some countries with far worse human rights records receive less attention than Myanmar.

90. Myanmar stands ready to continue to work together with the United Nations country team and the Secretary-General to further advance peace, development and

democracy without a country-specific resolution or the additional burden of further good offices.

91. As the Secretary-General stated it in his report on the situation of human rights in Myanmar dated 19 August 2015 (A/70/332 and Corr.1), it is time to assess the feasibility of the continuation of the good offices mandate, including a gradual scaling-down of the mandate of the Special Adviser, and to consider other regular modes of engagement with Myanmar, as Myanmar had entered a critical stage of its democratic transition in the post-election period.